BOMBAY ACT No. XXXVIII OF 1954.[1]

[THE DEKKHAN AGRICULTURISTS' RELIEF (SUITS AND APPLICATIONS) VALIDATION ACT, 1954.]

[*18th May 1954*]

An Act to validate certain suits and proceedings under the Dekkhan Agriculturists' Relief Act, 1879.

Bom. XXVIII of 1947. XVII of 1879

WHEREAS by sub-section (*1*) of section 56 of the Bombay Agricultural Debtors Relief Act, 1947, the Dekkhan Agriculturists' Relief Act, 1879, was re-enacted for certain purposes for a period of three years from the date of the coming into operation of the first mentioned Act;

XVII of 1879.

And Whereas the Dekkhan Agriculturists' Relief Act, 1879, so re-enacted expired on the 26th day of May 1950 but due to some misapprehension about the period for which the said Act was re-enacted certain suits and applications have been instituted in Courts under the said Act on the 27th day of May 1950 and some of them have been dismissed by the Courts on the ground that they were instituted after the expiry of the said Act and the others are pending in the Courts;

And Whereas it is necessary and expedient to validate such suits and applications instituted on the 27th day of May 1950 and to provide for their disposal by the Courts;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Dekkhan Agriculturists' Relief (Suits and Applications) Validation Act, 1954.

Validation of certain pending suits and applications.

XVII of 1879. Bom. XXVIII of 1947. Bom. XXVIII of 1947.

2. Where any suit or application purporting to be under the Dekkhan Agriculturists' Relief Act, 1879, as re-enacted by the Bombay Agricultural Debtors Relief Act, 1947 (hereinafter referred to as the said Act) was instituted or made on the 27th day of May 1950 and is pending at the commencement of this Act, the institution or the making of such suit or application shall, notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, not be deemed to be invalid solely on the ground that the suit or application was not instituted or made, as the case may be, before the expiry of the said Act on the 26th day of May 1950.

Explanation.—For the purposes of this section, a suit or application pending at the commencement of this Act includes a suit or application in respect of which an appeal or an application for revision lies or is pending at the commencement of this Act.

Restoration of certain dismissed suits and applications.

Bom. XXVIII of 1947.

3. Where any such suit or application has, before the commencement of this Act, been dismissed by any Court solely on the ground that it was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Court shall, on application made within six months from the commencement of this Act, and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its decree or order and shall proceed with the suit or the application, as the case may be.

[1] For Statement of Objects and Reasons *see Bombay Government Gazette*, Part V, pp. 107-108.

Restoration of certain appeals and revision applications.

4. Where in any appeal or application for revision arising out of such suit or application, a decree or order has been passed before the commencement of this Act, dismissing the appeal or revision application or dismissing the suit or application from which the appeal or revision application arose, solely on the ground that the suit or application out of which the said appeal or revision application arose was not instituted or made before the expiry of the said Act on the 26th day of May 1950, the Appellate Court or the Judge exercising powers of revision under the said Act shall, on application made within six months from the commencement of this Act, and notwithstanding anything contained in section 56 of the Bombay Agricultural Debtors Relief Act, 1947, set aside its or his decree or order and proceed with the appeal or the revision application, as the case may be. Bom. XXV-III of 1947.